

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed February 3, 2004 (the "Office Action"). In order to advance prosecution of this case, Applicants amend Claims 37, 45, 85 and 93. Applicants cancel Claims 1-36, 47-84 and 95-107 without prejudice or disclaimer. Therefore, Claims 37-46 and 85-94 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

**Telephone Conference**

Applicants, specifically Chad C. Walters (Reg. No. 48,022), discussed Claim 37 with Examiner Derrick W. Ferris on March 31, 2004 via telephone conference. No definitive agreement with respect to Claim 37 was reached in the telephone conference. Applicants appreciate the Examiner's willingness to discuss pending claims of the present Application.

**Section 103 Rejections – Claims 37-40, 44-46, 85-88 and 92-94**

The Examiner rejects Claims 37-40, 44-46, 85-88 and 92-94 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,949,760 to Stevens et al. ("*Stevens*") in view of "On the Performance of a Routing Protocol for the Reconfigurable Wireless Network" to Haas et al. ("*Haas*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Claim 37 recites "reconfiguring the wireless node based on the modified operating parameters" and "after reconfiguring the wireless node, transitioning the wireless node to a normal operating state in response to determining the operational data is within predefined parameters." Claim 85 includes similar elements. The Office Action cites portions of *Sevens* as disclosing transitioning the wireless node to a normal operating state in response to determining the operational data is within predefined parameters. See Office Action, page 3, ¶ 6. Such portions include step 34 of Figure 2 of *Sevens* and its related description. See *id.* and *Sevens*, col. 3, lines 5-25 and Figure 2. However, the Office Action cites actual link assignment of step 44 of Figure 2 of *Sevens* as disclosing "reconfiguring the wireless nodes based on the modified operating parameters." See Office Action, page 6. Since step 34 of

Figure 2 of *Sevens* occurs before step 44, even under the Office Action's contention of the disclosure of *Sevens*, *Sevens* does not disclose, teach or suggest after reconfiguring the wireless node, transitioning the wireless node to a normal operating state in response to determining the operational data is within predefined parameters. The Office Action acknowledges this when it relies on the lack of a recited relationship between reconfiguring the wireless node based on the modified operating parameters and transitioning the wireless node to a normal operating state in its rejection. *See* Office Action, page 3, ¶ 6.

Therefore, for at least these reasons, Applicants respectfully submit that Claims 37 and 85 are patentable over the cited art used in the rejections and request that the rejections to Claims 37 and 85 be withdrawn.

Claims 38-40 and 44-46 each depends from Claim 37 and therefore includes each of the elements of Claim 37. Applicants thus respectfully request that the rejections of Claims 38-40 and 44-46 be withdrawn because, as discussed above, Claim 37 is patentable over the cited art used in the rejection..

Claims 86-88 and 92-94 each depends from Claim 85 and therefore includes each of the elements of Claim 85. Applicants thus respectfully request that the rejections of Claims 86-88 and 92-94 be withdrawn because, as discussed above, Claim 85 is patentable over the cited art used in the rejection.

#### **Section 103 Rejections – Claims 41-43 and 89-91**

The Examiner rejects Claims 41-43 and 89-91 under 35 U.S.C. § 103(a) as being unpatentable over *Stevens* in view of *Haas* and U.S. patent No. 6,421,731 to Ciotti, Jr. et al. ("*Ciotti*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Claims 41-43 each depends from Claim 37 and therefore includes each of the elements of Claim 37. Applicants thus respectfully request that the rejections of Claims 41-43 be withdrawn because, as discussed above, Claim 37 is patentable over the cited art used in the rejection.

Claims 89-91 each depends from Claim 85 and therefore includes each of the elements of Claim 85. Applicants thus respectfully request that the rejections of Claims 89-91 be withdrawn because, as discussed above, Claim 85 is patentable over the cited art used in the rejection.

**CONCLUSIONS**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
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